

Committee Name:
Senate Committee –
Judiciary, Corrections and Privacy
(SC–JCP)

Appointments

03hr_SC–JCP_Appt_pt00

Committee Hearings

03hr_SC–JCP_CH_pt00

Committee Reports

03hr_SC–JCP_CR_pt00

Clearinghouse Rules

03hr_SC–JCP_CRule_03–

Executive Sessions

03hr_SC–JCP_ES_pt00

Hearing Records

03hr_ab0000

03hr_sb0214a_pt01

Misc.

03hr_SC–JCP_Misc_pt00

Record of Committee Proceedings

03hr_SC–JCP_RCP_pt00

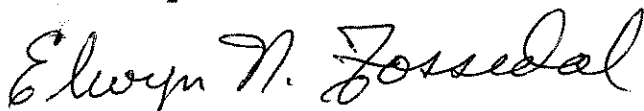
August 30, 2003

SUBJECT: PERSONAL PROTECTION ACT

TO WHOM IT MAY CONCERN:

I want the Personal Protection Act passed for the State of Wisconsin because the data has been generated by a study of 33 States covering 18 years of study that CRIME IS REDUCED BY 20-30% THE 1ST YEAR THE LAW IS ENACTED. The Study was done by Dr. John Lott and reported in the book, " More Guns - Less Crime".

Sincerely,

A handwritten signature in cursive script that reads "Elwyn N. Fossedal". The signature is written in dark ink and is positioned above the typed name and address.

Elwyn Nels Fossedal
22727 Bell Hollow Lane
Richland Center, Wisconsin, 53581
Ph# 1-608/647-6193

Shots Fired in the City of 2001, 2002 and First Half

A detailed map of Milwaukee, Wisconsin, illustrating the geographic distribution of gunshots fired between January 1, 2001, and June 30, 2003. The map features a grid of streets, with major thoroughfares labeled such as W Bradley Rd, W Good Hope Rd, W Mill Rd, W Lisboa Av, W Wisconsin Av, W Blue Mound Rd, W Oklahoma Av, W Howard Av, W Bolivar Av, W Layton Av, W Grange Av, W Ramsey Av, W College Av, E Edgewood Av, N Dodge St, N 1st St, N 2nd St, N 3rd St, N 4th St, N 5th St, N 6th St, N 7th St, N 8th St, N 9th St, N 10th St, N 11th St, N 12th St, N 13th St, N 14th St, N 15th St, N 16th St, N 17th St, N 18th St, N 19th St, N 20th St, N 21st St, N 22nd St, N 23rd St, N 24th St, N 25th St, N 26th St, N 27th St, N 28th St, N 29th St, N 30th St, N 31st St, N 32nd St, N 33rd St, N 34th St, N 35th St, N 36th St, N 37th St, N 38th St, N 39th St, N 40th St, N 41st St, N 42nd St, N 43rd St, N 44th St, N 45th St, N 46th St, N 47th St, N 48th St, N 49th St, N 50th St, N 51st St, N 52nd St, N 53rd St, N 54th St, N 55th St, N 56th St, N 57th St, N 58th St, N 59th St, N 60th St, N 61st St, N 62nd St, N 63rd St, N 64th St, N 65th St, N 66th St, N 67th St, N 68th St, N 69th St, N 70th St, N 71st St, N 72nd St, N 73rd St, N 74th St, N 75th St, N 76th St, N 77th St, N 78th St, N 79th St, N 80th St, N 81st St, N 82nd St, N 83rd St, N 84th St, N 85th St, N 86th St, N 87th St, N 88th St, N 89th St, N 90th St, N 91st St, N 92nd St, N 93rd St, N 94th St, N 95th St, N 96th St, N 97th St, N 98th St, N 99th St, N 100th St. A compass rose indicates North (N), South (S), East (E), and West (W). A legend box in the upper right corner provides summary statistics.

	Shooting	Violence
2001	482	107
2002	405	107
First Half of 2003	184	57
Action Total	1071	271

Date: September 4, 2003

- Shots Fired 2001
- Shots Fired 2002
- Shots Fired First Half of 2003

— Streets

Citylimits

Prepared By: Milwaukee COMPASS Technical Team

COMPASS

Dear Representative _____

I am writing you to vote yes on the gun carry bill. Some people say, there is no need for people to get permits to carry guns. Proof shows from other states that it works.

Society does not fight crime by forcing the innocent to accommodate themselves to the expected behavior of criminals.

Crime goes on because the law abiding are FORCED to condone it, excuse it, permit it, and submit to it. We permit and encourage it because we do not have the laws to allow good people to fight back.

State law now , gives us no choice but to knife fight the drug users when they find our wallet empty and get mad. Would you expect your mother, daughter, or spouse to do such a thing ? I bet the answer is a strong NO.

The best trigger lock is education. The best safety device is the brain. But if some legislators can't support this bill, then they must think Wisconsin citizens have NEITHER. Please think.

Sincerely _____

Name
Address
City
Phone



VETERANS OF FOREIGN WARS

OF THE UNITED STATES



DEPARTMENT OF WISCONSIN

September 7, 2003

Subject: Testimony for Joint Hearing on Concealed Carry Legislation

I strongly support the inherent Constitutional right for all Americans and Wisconsinites to conceal carry a firearm of their choice.

Please enter my testimony into the record in favor of this legislation.

Al Kochenderfer

TRIBUTE TO A VETERAN

"War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse. The man who has nothing for which he is willing to fight and nothing he cares more about than his personal safety is a miserable creature who has no chance of being free unless made and kept so by the exertions of better men than himself." JOHN S. MILLS 1806-1873

Date: 8 SEPTEMBER 2003

Dear: Senator Roessler

Wisconsin is one of only 6 states in the country without some form of concealed carry for its law abiding citizens. It is a fact that states which offer concealed carry permits have a lower rate of violent street crime than states without concealed carry laws.

I encourage you to support the Personal Protection Act, the PPA, which would give law abiding Wisconsin Citizens the right to apply for a concealed carry permit to carry a concealed weapon. This law will help keep Wisconsin citizens safe. It will allow us to protect ourselves and our property and it supports the true intentions of the 2nd Amendment of our U.S. Constitution.

Sincerely,

Ron J. Montgomery

752 Prospect Ave.

Oshkosh, WI 54901

Ron J. Montgomery

Date: 8 September

Dear: Rep. Underheim

Wisconsin is one of only 6 states in the country without some form of concealed carry for its law abiding citizens. It is a fact that states which offer concealed carry permits have a lower rate of violent street crime than states without concealed carry laws.

I encourage you to support the Personal Protection Act, the PPA, which would give law abiding Wisconsin Citizens the right to apply for a concealed carry permit to carry a concealed weapon. This law will help keep Wisconsin citizens safe. It will allow us to protect ourselves and our property and it supports the true intentions of the 2nd Amendment of our U.S. Constitution.

Sincerely,

Ron J. Montgomery

752 Prospect Ave.

Oshkosh, WI 54901

Ron J. Montgomery

**Dane County Chief's of Police
Association**

To: Elected Representatives
**From: Chief Brad J Keil, Chief of Police for the City of Monona and President
of the Dane Co. Chief's Association**
Date: 9/8/2003
Re: Concealed Carry Legislation

The Dane County Police Chief's Association joins with representatives of Law Enforcement Agencies in Dane County, The Wisconsin Police Chief's Association, the Dane County Safe Community Coalition, the Wisconsin Anti-Violence Effort (WAVE) and the Wisconsin Council on Children and Families, to voice our opposition to proposed legislation allowing for concealed weapons carry in the State of Wisconsin.

Today, representatives from Law Enforcement agencies around the state are gathering to make their voices heard. We do not believe that there is any credible evidence to support the need to legalize carrying concealed weapons in our state.

Recent studies, published this year, found no support for the idea that allowing concealed carry reduces crime. Studies by the Brookings Institute and others have concluded that one of the main studies used by gun lobbyists and concealed carry proponents to support their claims is deeply flawed.

We are fortunate to live in one of the safest states in the country. We have enjoyed that status without allowing concealed carry in our state for 130 years.

The argument that violent crime has been going down only in states that allow concealed carry is simply not valid. Violent crime has been going down in Wisconsin and other states that do not have concealed carry laws for the past decade.

11 of 15 states with the lowest firearms death rates (including Wisconsin) prohibit concealed carry or have restrictive laws. 14 of the 15 states with the highest firearms death rates have permissive "shall issue" concealed carry laws like the one being proposed for Wisconsin. This data suggests that concealed carry will not reduce violent crime and firearms deaths but may in fact contribute to an increase in deaths from firearms.

The proposed Personal Protection Act will make it legal to carry concealed weapons in stores, churches, daycare centers, restaurants, banks, malls, hospitals, technical colleges and Universities and most places we frequent in our day to day lives.

Public safety will not be enhanced if concealed firearms are carried by individuals during heated road rage arguments between motorists, in crowded stores, or where a police officer makes a traffic stop.

Polling Data in Wisconsin consistently shows opposition to legalizing concealed weapons in the range of 75 to 80 % of all adults.

We are asking today that the citizens of Wisconsin join us by contacting their elected representatives and letting them know that they are not in favor of this legislation. Wisconsin is a safe state and will continue to be a safe state without concealed carry legislation.

Sept 8, 2003

It is important to us that you understand that we need to be able to protect ourselves. I am in favor of granting concealed carry permits to people that are law-abiding citizens.

Sincerely -

Daniel L Haber
Owner
Boothed Island Inc
West Allis WI
414 774 7210

9/8/03

It is important to me that you understand the importance of being able to protect myself as an American, it is my right, and therefore I support the right of law-abiding citizens to carry concealed firearms.

1st Angelique Brucher
Oak Creek, WI
44-761-1437

2nd Jon Kubasa
1733 S 70th ST WEST Allis
Jon Kubasa

3rd DOEL BRUESCH
1529 S. 80th West Allis, WI
Doel Brusch

4th Alekumarie Kelliker
~~1600 West Allis St~~
Milwaukee, WI 53208

5th Mark Daddington
Sturtevant, WI 53177

9/8/03

To Whom it may concern;

I AM AN INSURANCE ADJUSTER WHO HAS TO
WORK IN HIGH CRIME AREAS.

I HIGHLY SUPPORT THE CONCENTRICARRY BILL. I
AM A VIETNAM VET AND HAVE SHOT PISTOL IN NEA
SANCTIONED COMPETITIONS.

PLEASE SUPPORT THIS BILL.

Thank you


Gerald J. Smith

9/8/03

As a law-abiding citizen, it is important to be able to protect myself. Therefore, I support the right to carry concealed firearms in Wisconsin.

Sincerely,

Randy Roman

~~Randy Roman~~
West Allis, WI

As an American I wholly support legal citizens with rights to have the ability to defend themselves with a concealed weapon

~~Randy Roman~~

Aracn Semler

Milwaukee, WI

As an American I feel I have the right to carry a concealed firearm for my families protection.

Sesse Rofritz

Jose Rofritz

West Allis, WI

9/8/03
As a law-abiding citizen, I support
the right to carry concealed firearms in
Wisconsin.

Patricia Ann
West Allis, WI
414-545-8954

Phonetic E. Red.

West Allis WI

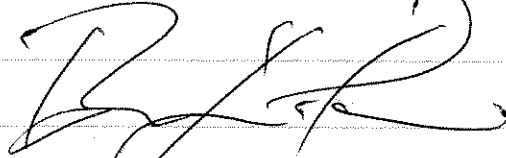
414-545-4449

Perry Wittkeff
5842 So. 109th Hales Corners 53130 414-427-4523

Amanda Wittkeff
Administrator of Quarterly Reports
Retailer's Service Bureau
West Allis, WI
414-543-8954

I SUPPORT THE RIGHT
TO CARRY CONCEALED
WEAPONS.

BRIAN J. PREISS



Theodore Zgehowsky Jr WEST ALLIS⁽⁴¹⁴⁾ 617-6691

Testimony in Favor of Concealed Carry

09/09/03

My name is Matt Del Fatti. I am the retired Chief Deputy and 27 year veteran of the Clark County Wisconsin Sheriff's Department. I am here to testify in favor of concealed carry in Wisconsin.

During my 12 years as Chief Deputy, I was a member of the International Association of Chiefs of Police and the Wisconsin Chiefs Association. Although the directors of those associations have decided to oppose concealed carry I want you to know that many members especially those who work in primarily rural areas favor legalizing concealed carry.

In addition, many Federal, State, and Local Law Enforcement officers who work the street in the US, support legal concealed carry by law abiding citizens. They realize those are not the people who would do them harm.

One of the major arguments against concealed carry by those opposed was that many law abiding citizens and law enforcement officers will be injured or killed as a result of legalizing concealed carry. You will probably not hear that argument today. I suspect the argument will not be made because it simply cannot be supported by the experiences in states with shall issue concealed carry. If it could, you would hear the press screaming it from the rafters.

Every year in this state, people from Wisconsin and surrounding states with little or no training in weapons use take up arms to go deer hunting. During this process, there are frequent trespassing conflicts between these legally armed people and land owners. There are many more contacts between hunters and Conservation Wardens and other law enforcement officers which often result in the issuance of citations or an arrest. These contacts have not been the cause of gunfights and I see no reason for a concealed carry licensing program to be different.

I would guess that most of the people in this room have at one time or another driven out of Wisconsin and vacationed in a state with concealed carry. In spite of this, I have never read or heard of an incident where a law abiding Wisconsin citizen was accosted by a permit holder of another state.

Any weapons expert will tell you that the handgun is a defensive weapon. Everyone has the right to self defense and how law abiding citizens choose to mount that defense should include the ability to train with and carry a concealed handgun as an option. This is especially true for law enforcement

Testimony in Favor of Concealed Carry

09/09/03

officers who have trained in the use of handguns their entire career only to be told they can no longer carry once honorably retired. In one day, I went from part of the solution to, apparently, part of the problem. Someone who could not longer be trusted to carry a concealed firearm for the purpose of defending himself and the innocent person who might be in harms way.

Although open carry of a handgun is legal, it tends to disturb the public peace. Many law enforcement agencies used to require plain clothes officers to keep their weapons concealed when in public for that reason. Convert carry reduces that problem and forces criminals to guess at who might be legally armed and able to resist an attack.

Those of us who wish to take an active roll in self protection and the protection of our families against the predators in our society should be allowed that opportunity.

I strongly urge you to support legalized conceal carry in Wisconsin.

Good Morning,

9-9-3

Antonia Seitz Testimony
Monticello, WI

As a mother of 3, a woman &
a former member of the Military
Police Corps, I implore you
to pass the Personal
Protection Act.

Right now, the criminal element
decides when and where it is
safe to take my children. This
is not right. The Police force,
of whom I have great respect,
cannot be everywhere, all the
time. The common citizen
should have a right to protect
his fellow man, especially the
children. My kids depend on
~~me~~ & my husband ^{AI} to keep them

~~now~~ Please help us do that
by passing this legislation.

Mark A. Smick
N20040 U.S. Hwy. 53
Galesville, WI 54630
(608)582-3102

September 9, 2003

State Senator David A. Zien, Chairperson
Committee on Judiciary, Corrections, and Privacy
Wisconsin State Senate
15 South Capitol
Madison, WI 53707

Dear Senator Zien:

I have worked for over thirty-six years as a law enforcement officer and/or public safety training director through the Wisconsin Technical College System. During this time I have been involved as a firearms instructor teaching firearms training to hundreds of law enforcement officers and have served as an advisor for firearms training to the Wisconsin Law Enforcement Training and Standards Board.

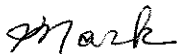
I am confident that I have contributed to making Wisconsin a better and safer place in which to live

You, the Legislature, and Governor Doyle, however, are on the verge of making a most significant contribution to, indeed, making Wisconsin a better and safer place in which to live.

I urge you and your colleagues to pass SB-214. Do not be deceived by smoke screen claims from individuals and groups that say a gun concealed carry law will add cost to limited public budgets for administration of a permit process and enforcement cost for investigating alleged violations and potential prosecutions. On the contrary, significant monies will be saved by law abiding citizens that are allowed to protect their lives and property. Significant money will be saved by preventing crimes and the associated cost of investigating crimes and prosecution of criminals and putting them in jails and prisons.

With just the economic impact, this is not a "rocket scientist" issue. Please see that common sense prevails and that the will of the majority of the people prevails.

Sincerely,



Mark A. Smick

✓Cc: State Senator Ronald W. Brown

DORIS ELLISON
N8579 Hay Creek Road
Willard, WI 54493-8903
Phone or Fax (715) 267-7284
e-mail: ellie@tds.net

September 9, 2003

It seems to me that the proposed concealed carry law is a very simple thing that has become very complicated.

People can argue all day about the studies, etc. that can be twisted to their own point of view. Let's put aside all the studies, etc. and look at the basics.

The people that are going to spend the time and money and meet all qualifications for this permit are not a danger to anyone. They are law-abiding citizens.

You know, they say the bad guy doesn't care what the law is. That may be true as far as carrying a gun, but he does care what the law is where his potential victim is concerned. When the criminals in Wisconsin know that the law allows some citizens to carry a concealed gun, they will not have such easy pickings and logically, crime will go down.

The way the law is in Wisconsin now it looks as if the government is on the side of the criminal. I believe you owe it to the people of Wisconsin to give them the right to defend themselves.

NOW - Criminal vs. law-abiding citizen

-
Disaster for the victim

WITH CONCEALED CARRY LAW

Criminal vs. law-abiding citizen + GUN

-
level playing field and averted disaster

Thank you for your time and attention.

Doris Ellison



September 9, 2003

Myself and other Aerial Applicators (crop dusters) have met to discuss bio-terrorism and security concerns with the State Dept. of Transportation's - Bureau of Aeronautics/Security Team Members, Dept of Military Affairs, Emergency Government, Dept of Agriculture Trade and Consumer Protection, Federal Aviation Administration and the FBI, I remain concerned for this community, and that includes my own family. I now am more cognizant of the fact that our government cannot anticipate or stop every suicidal terrorist that would intentionally jeopardize the safety of others and our nation. However, I was relieved when all gathered conceded that Ag-Planes pose no greater risk and because of their characteristic, would be less risky than other modes of transportation as a terrorist tool. Trucks, trains, cars and even trench coats, pose some very serious concerns. Sad, but true, law enforcement personnel numbers are insufficient to maintain watch over everything in this state. Wisconsin's economic woes translate into inadequate protection for all of us.

Thus, in the minds of many in Wisconsin, the answer lies in passing the Personal Protection Act — authored by Wisconsin Senator Zien and Representative Gunderson, which would allow guns to be carried and concealed by Wisconsin citizens, trained, certified, and registered as carriers. Were this law in place, as it is in other states, I would get certified immediately, and I would be grateful if others did the same, because it may be the only way that our families can have the protection we have a right to.

We now live in times that are dramatically different than pre 9-11. Should my life or that of a neighbor be at risk at the hand of a terrorist, dependent government for protection? Or should we have the comfort of knowing, that we have a fighting chance. Not all will agree with us, but those who are realists, should consider becoming active proponents of the Personal Protection Act for Wisconsin.

Sincerely,

Jim Kazmierczak

Mark A. Smick
N20040 U.S. Hwy. 53
Galesville, WI 54630
(608)582-3102

September 9, 2003

State Senator David A. Zien, Chairperson
Committee on Judiciary, Corrections, and Privacy
Wisconsin State Senate
15 South Capitol
Madison, WI 53707

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I am confident that I have contributed to making Wisconsin a better and safer place in which to live

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With just the economic impact, this is not a "rocket scientist" issue. Please see that common sense prevails and that the will of the majority of the people prevails.

Sincerely,

Mark A. Smick

Cc: State Senator Ronald W. Brown

How much is a LIFE WORTH?

By law, a bank guard can
carry a gun to protect
his employer's money.

But a parent here can't
be legally armed to protect
her children outside of home.

SAVE LIVES: SUPPORT CONCEALED CARRY REFORM!

Over 40 other states have a permit system.
Every state law HAS been succesful.

Many people may say they don't like the idea
because they don't know anything about it.

PUBLIC HEARING !!!!!

**On the Personal Protection Act.
The right to carry.**

**In Madison, at the
State Capitol Room 411 South.**

**TUESDAY , SEP. 9th
10 AM to 4 PM**

Just how would
rendering me defenseless
protect you from violent criminals?



**Two ways to shield yourself
from a violent attack.**

**Do you think someones choice of defending their life should
only be based on how you FEEL ?**

Preparing yourself in some ways may save your life.

**WWW.a-human-right.com
WWW.wisconsinconcealedcarry.com**

Diana M. Pitterle, Ph.D.

Testimony provided to the hearing on concealed carry bill
September 9, 2003

From August 1984 until August 2000, I lived in North Carolina, a state which has had a concealed carry law since December 1, 1995. One of the reasons that I returned to Wisconsin was the pervasive gun violence in Durham, the city where I lived.

Off the top of my head, I can name three people who carried a concealed gun. Jeanine carried one because she was fearful of her ex-husband. She knew he always had a gun. So she got one too. Danny worked in construction sales and was fearful of the people he had to deal with in certain neighborhoods. Many men carried concealed weapons, so he needed one. My neighbor, Henry told me that he felt afraid all the time so he was getting a gun. Three months later he was dead of a self-inflicted gun shot wound.

It was a relief to come to Wisconsin and see high schools without metal detectors. In Durham, our Riverside high school had state of the art metal detectors on the major entrances to deter the presence of guns on campus. Of course, I'm not sure that that prevented students from having guns in their cars.

Many people carried weapons in their cars. One man used his to shoot a driver in front of him that had stopped suddenly nearly causing a rear-end collision on a freeway entrance ramp. Another day, I was in a parking lot with my daughter when two men starting arguing and suddenly sprinted to their cars and drew their weapons. As I screamed to my daughter, "Hit the dirt", they glanced my way, then laughed and tossed their guns back into their vehicles.

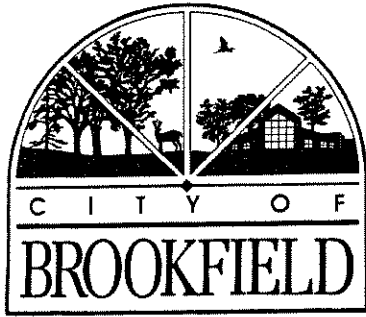
The gun violence resulted in many innocents losing their lives. A woman living four blocks from my home died of a gun shot wound. It made an impact because she was on the phone when she was struck by a stray bullet that came through her living room window. The tape of her screaming in surprise "I'm shot, I'm shot" was played by the local TV stations. She died.

Because so many people had weapons, there were times when they fell into the wrong hands. A Durham kindergardener took a handgun to school to show his friend. Fortunately, someone mentioned it to a teacher before any accident occurred. In another incident, a disturbed high school student shot and killed the girl that would not date him as she talked with friends in the school parking lot. And, one evening, I surprised one of my neighbors step-daughters and her boyfriend as they were breaking into her step-father's car to get his gun. Luckily the couple left abruptly, and no one got hurt.

In summary, I just want to state that legalizing concealed weapons will not increase your safety. I am opposed to concealed carry.

Summary of
NC Concealed Weapons Law

<http://www.jus.state.nc.us/NCJA/firearms.htm#federa>



POLICE DEPARTMENT

2100 North Calhoun Road
Brookfield, Wisconsin 53005-5054
(262) 782-6200 24-Hour Fax (262) 782-8757
Administrative Fax (262) 796-6701

Daniel K. Tushaus, Chief of Police

September 9, 2003



Sen. David A. Zien
Chair, Committee on Judiciary, Corrections, and Privacy
Box 7882
Madison, WI 53707-7882

Dear Senator Zien:

I wish to be clear about the position of the City of Brookfield Police Department concerning 2003 SB-214 which would create a permit system to carry concealed weapons in Wisconsin. My agency is unalterably opposed to this bill. Hence the following comments should not be interpreted as efforts to 'improve' the bill but rather as indictments of a concept fatally flawed from its inception and which also violates Federal firearms laws.

Definition of "weapon" Page 10; line 20

In addition to authorizing the carrying of concealed handguns and knives, the bill also authorizes the concealed carry of two other weapons which are currently a felony to possess (unless a law enforcement officer), i.e. electric weapons and tear gas guns. Specialized training is required for law enforcement officers who utilize electric weapons such as the Taser. SB-214 does not require such training for civilians who elect to carry electric weapons.

Mere civil penalties for violations of concealed carry Page 12; lines 13-19

While the bill requires the licensee to possess the concealed carry license whenever armed and to display it upon the request of a law enforcement officer, violations are only civil offenses punishable by a \$25 forfeiture. Due to their seriousness, such offenses should be crimes punishable by fine and/or incarceration.

In addition, the requirement should be upon the licensee to inform a law enforcement officer whether the person is armed rather than on the officer to make such an inquiry. In essence, if this bill is passed, every encounter will need to be preceded by the officer asking each person whether he or she is armed. The requirement should be upon the licensee, and not the officer.



Page 2
2003 SB-214
Sept. 9, 2003

Bill violates the Supremacy Clause of the U.S. Constitution Page 14; lines 1-2, lines 4-9; Page 13 lines 17-22; Page 16 lines 11-14

While the bill purports to comply with the Federal firearms laws in lines 1-2, much of its succeeding language explicitly contradicts the prohibitions contained in 18 USC 922g. (The bill never mentions that illegal aliens, dishonorably discharged veterans, and those who have renounced their U.S. citizenship are forbidden by Federal law to possess firearms. Most sheriffs are thus unaware of these Federal felony offenses.) Hence, the bill requires the granting of concealed carry licenses to persons who have been civilly committed for drug dependency if three years have elapsed since the commitment. Similarly, the bill requires the issuance of a license for users or dealers in controlled substances if three years have elapsed since the conviction. In addition, the bill requires issuance of a license for persons involuntarily committed for mental illness with a psychiatrist's statement that the person has not been mentally disabled for at least five years. Lastly, the bill mandates issuance of a concealed carry license to a person convicted of a misdemeanor crime of violence if three years have elapsed since the conviction, including crimes of domestic violence.

Every one of SB-214's provisions allowing an 'amnesty period' to these legal disabilities cited above contravenes 18 USC 922g which imposes a lifetime prohibition on the possession of firearms. Hence, this bill violates the Supremacy Clause (Article VI) of the U.S. Constitution which states in part that "the judges in every state shall be bound thereby (to Federal laws), any thing in the constitution or laws of any state to the contrary notwithstanding." **No state can authorize what Federal law forbids.**

If judges are bound by the Supremacy Clause, so too are sheriffs and police officers; for every law enforcement officer also takes an oath to support the U.S. Constitution. Thus, no sheriff could lawfully grant a concealed carry license to any person with a misdemeanor domestic violence conviction, the adjudication of mental illness, or the conviction for a drug offense regardless of the time elapsed. In addition, any sheriff granting a license to a person prohibited by Federal law from possessing a firearm would be committing a Federal felony in violation of 18 USC 2 or 18 USC 3 for aiding and abetting in the violation of a Federal felony statute. It's also probable that such malfeasance may constitute Misconduct in Public Office, Wis. Stat. 946.12.

SB-214 would put sheriffs in the unenviable position of having to violate Federal law in order to comport with the State law mandating the issuance of concealed carry licenses. Each law enforcement agency would also have to decide whether a permit granted by a sheriff in violation of Federal law should be honored or if its officers should live up to their oath to support the U.S. Constitution and its Supremacy

Clause and arrest the licensee for a Federal felony. It would also seem that the Supremacy Clause would invalidate the bill's 'amnesty deadlines' for issuance of a concealed carry license and make that part of the bill (if passed) a legal nullity. On September 4, 2003, I consulted with Assistant U.S. Attorney Michelle Jacobs who is a lead prosecutor of Federal firearms violations in the eastern district of Wisconsin. She advised that if SB-214 passes and concealed carry licenses are issued to persons forbidden to possess firearms under Federal law, **such persons are still subject to arrest and Federal prosecution.**

Oath for a concealed carry license; violation only a misdemeanor **Page 18, lines 3-10; Page 31, line 23 et seq.; Page 36, lines 1-2**

It is anomalous that the penalty for making a false statement under oath in order to be able to carry a concealed and dangerous weapon is only a misdemeanor under SB-214. This is especially true given the False Swearing statute [946.32 (1)(a)] which proscribes false statements under oath as a felony offense punishable by imprisonment. If a person would lie under oath about their eligibility to possess a concealed firearm, the penalty should be that already prescribed by the False Swearing felony statute cited above. Since the penalty for false statements is required on the application form, the threat of imprisonment for a felony would be a greater inducement to truthfulness, and a better deterrent to the lies that would put dangerous weapons into the hands of domestic batterers, drug dealers, and the mentally ill.

(It is especially telling that the bill's authors deliberately precluded the use of the False Swearing statute by their language on page 36, lines 1-2. They made a conscious decision to make false statements on the application and renewal forms mere misdemeanors rather than the true felonies they are under current Wisconsin law.)

Concealed carry in public buildings **Page 35; lines 9-11**

SB-214 authorizes concealed carry licensees to go armed inside of public buildings. Given the emotionally charged issues that are often debated in front of public bodies, this is very unwise public policy.

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SB-214 authorizes concealed carry licensees to go armed inside of alcohol beverage establishments despite the prohibition contained in Wis. Stat. 941.20 (1)(b) against operating or going armed with a firearm while under the influence of an intoxicant (Endangering safety by use of dangerous weapon). How many licensees will enter taverns armed and refrain from imbibing alcohol?

Page 4
SB-214
Sept. 9, 2003

Electric weapons concealed carry licenses created Page 35, lines 21-23

SB-214 abolishes the prohibition on the possession of electric weapons (stun guns, Tasers) despite the lack of any training requirement in the bill. Police agencies which issue Tasers to their officers require training by certified instructors. The concern of civil libertarians over the use of these weapons by police officers should be increased considerably by their use in the hands of civilians unconstrained by supervisors and disciplinary action.

Dangerous weapons other than firearms on school premises Page 36, lines 9-13

SB-214 allows concealed carry licensees to carry weapons other than firearms (knives, electric stun guns, Tasers, teargas) on school premises. This is currently a Class A misdemeanor or a Class I felony if the second or subsequent conviction within five years.

[NOTE: The passage of SB-214 would also abrogate the Federal gun-free school zone statute since the Federal law allows states to lift the protection of the Federal law if the state authorizes concealed carry permits; 18 USC 922 (q)(B)(ii).]

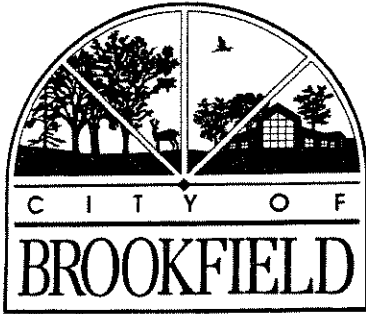
Badges for concealed carry licensees (Not mentioned in SB-214.)

Although not mentioned in SB-214, the practice of concealed carry badges should be prohibited. In other states, some persons with concealed carry permits have metal badges made with the wording "Concealed Carry Permit #___" or similar wording. Inasmuch as Impersonating an Officer is a misdemeanor offense in Wisconsin, no concealed carry licensee should be allowed to create or carry such a badge when also carrying a weapon. The penalty should be the same as Wis. Stat. 946.70, a Class A misdemeanor, or a Class H felony if the person uses the badge "to aid or abet the commission of a crime".

This preliminary document should not be construed either as the totality of my objections nor as an endorsement should the bill be amended to address the issues cited above. As a law enforcement officer of over 30 years experience and who has encountered many concealed weapons and homicides, I condemn SB-214 as dangerous to the public in general and to the lives of law enforcement officers in particular.

Sincerely,


Daniel K. Tushaus
Chief of Police



POLICE DEPARTMENT
2100 North Calhoun Road
Brookfield, Wisconsin 53005-5054
(262) 782-6200 24-Hour Fax (262) 782-8757
Administrative Fax (262) 796-6701

Daniel K. Tushaus, Chief of Police

September 9, 2003



Sen. David A. Zien
Chair, Committee on Judiciary, Corrections, and Privacy
Box 7882
Madison, WI 53707-7882

Dear Senator Zien:

I wish to be clear about the position of the City of Brookfield Police Department concerning 2003 SB-214 which would create a permit system to carry concealed weapons in Wisconsin. My agency is unalterably opposed to this bill. Hence the following comments should not be interpreted as efforts to 'improve' the bill but rather as indictments of a concept fatally flawed from its inception and which also violates Federal firearms laws.

Definition of "weapon" Page 10; line 20

In addition to authorizing the carrying of concealed handguns and knives, the bill also authorizes the concealed carry of two other weapons which are currently a felony to possess (unless a law enforcement officer), i.e. electric weapons and tear gas guns. Specialized training is required for law enforcement officers who utilize electric weapons such as the Taser. SB-214 does not require such training for civilians who elect to carry electric weapons.

*See 3rd point -
If you
can't
possess
Federally
We don't need to
restrict under 18
- it's covered*

Mere civil penalties for violations of concealed carry Page 12; lines 13-19

While the bill requires the licensee to possess the concealed carry license whenever armed and to display it upon the request of a law enforcement officer, violations are only civil offenses punishable by a \$25 forfeiture. Due to their seriousness, such offenses should be crimes punishable by fine and/or incarceration.

In addition, the requirement should be upon the licensee to inform a law enforcement officer whether the person is armed rather than on the officer to make such an inquiry. In essence, if this bill is passed, every encounter will need to be preceded by the officer asking each person whether he or she is armed. The requirement should be upon the licensee, and not the officer.

*\$25 for ~~not carrying the license~~ forgetting
your wallet is reasonable because
police can check instantly.*

ADDRESS ALL CORRESPONDENCE TO THE CHIEF OF POLICE



We CANNOT violate the U.S. Constitution BECAUSE of the Supremacy Clause.

Bill violates the Supremacy Clause of the U.S. Constitution Page 14; lines 1-2, lines 4-9; Page 13 lines 17-22; Page 16 lines 11-14

While the bill purports to comply with the Federal firearms laws in lines 1-2, much of its succeeding language explicitly contradicts the prohibitions contained in 18 USC 922g. (The bill never mentions that illegal aliens, dishonorably discharged veterans, and those who have renounced their U.S. citizenship are forbidden by Federal law to possess firearms. Most sheriffs are thus unaware of these Federal felony offenses.) Hence, the bill requires the granting of concealed carry licenses to persons who have been civilly committed for drug dependency if three years have elapsed since the commitment. Similarly, the bill requires the issuance of a license for users or dealers in controlled substances if three years have elapsed since the conviction. In addition, the bill requires issuance of a license for persons involuntarily committed for mental illness with a psychiatrist's statement that the person has not been mentally disabled for at least five years. Lastly, the bill mandates issuance of a concealed carry license to a person convicted of a misdemeanor crime of violence if three years have elapsed since the conviction, including crimes of domestic violence.

So, if a person cannot possess under Fed. Law - they cannot possess under PPA

Every one of SB-214's provisions allowing an 'amnesty period' to these legal disabilities cited above contravenes 18 USC 922g which imposes a lifetime prohibition on the possession of firearms. Hence, this bill violates the Supremacy Clause (Article VI) of the U.S. Constitution which states in part that "the judges in every state shall be bound thereby (to Federal laws), any thing in the constitution or laws of any state to the contrary notwithstanding." **No state can authorize what Federal law forbids.**

SEE ABOVE (If Fed. law prevent possession - you can't possess)

If judges are bound by the Supremacy Clause, so too are sheriffs and police officers; for every law enforcement officer also takes an oath to support the U.S. Constitution. Thus, no sheriff could lawfully grant a concealed carry license to any person with a misdemeanor domestic violence conviction, the adjudication of mental illness, or the conviction for a drug offense regardless of the time elapsed. In addition, any sheriff granting a license to a person prohibited by Federal law from possessing a firearm would be committing a Federal felony in violation of 18 USC 2 or 18 USC 3 for aiding and abetting in the violation of a Federal felony statute. It's also probable that such malfeasance may constitute Misconduct in Public Office, Wis. Stat. 946.12.

SB-214 would put sheriffs in the unenviable position of having to violate Federal law in order to comport with the State law mandating the issuance of concealed carry licenses. Each law enforcement agency would also have to decide whether a permit granted by a sheriff in violation of Federal law should be honored or if its officers should live up to their oath to support the U.S. Constitution and its Supremacy

Page 3
2003 SB-214
Sept. 9, 2003

Clause and arrest the licensee for a Federal felony. It would also seem that the Supremacy Clause would invalidate the bill's 'amnesty deadlines' for issuance of a concealed carry license and make that part of the bill (if passed) a legal nullity. On September 4, 2003, I consulted with Assistant U.S. Attorney Michelle Jacobs who is a lead prosecutor of Federal firearms violations in the eastern district of Wisconsin. She advised that if SB-214 passes and concealed carry licenses are issued to persons forbidden to possess firearms under Federal law, **such persons are still subject to arrest and Federal prosecution.**

Oath for a concealed carry license; violation only a misdemeanor Page 18, lines 3-10; Page 31, line 23 et seq.; Page 36, lines 1-2

Concealed carry itself is a misdemeanor

It is anomalous that the penalty for making a false statement under oath in order to be able to carry a concealed and dangerous weapon is only a misdemeanor under SB-214. This is especially true given the False Swearing statute [946.32 (1)(a)] which proscribes false statements under oath as a felony offense punishable by imprisonment. If a person would lie under oath about their eligibility to possess a concealed firearm, the penalty should be that already prescribed by the False Swearing felony statute cited above. Since the penalty for false statements is required on the application form, the threat of imprisonment for a felony would be a greater inducement to truthfulness, and a better deterrent to the lies that would put dangerous weapons into the hands of domestic batterers, drug dealers, and the mentally ill.

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Page 4
SB-214
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[NOTE: The passage of SB-214 would also abrogate the Federal gun-free school zone statute since the Federal law allows states to lift the protection of the Federal law if the state authorizes concealed carry permits; 18 USC 922 (q)(B)(ii).]

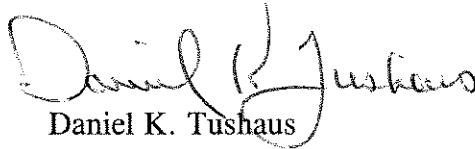
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So... It's still illegal to impersonate an officer... right?

This preliminary document should not be construed either as the totality of my objections nor as an endorsement should the bill be amended to address the issues cited above. As a law enforcement officer of over 30 years experience and who has encountered many concealed weapons and homicides, I condemn SB-214 as dangerous to the public in general and to the lives of law enforcement officers in particular.

Sincerely,


Daniel K. Tushaus
Chief of Police



STATE SENATOR DAVE ZIEN

CHAIRPERSON

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

VICE CHAIRPERSON

COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM

MEMBER

COMMITTEE ON SENATE ORGANIZATION

COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS

SENTENCING COMMISSION

COUNCIL ON TOURISM

JUDICIAL COUNCIL

ASSISTANT MAJORITY LEADER**MEMORANDUM**

TO: Senator Tim Carpenter, Member, Senate Committee on Judiciary,
Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections
& Privacy

DT: October 13, 2003 (hand delivered 12:00pm)

RE: Paper Ballot for AB458 and SB214 (2 pages)

Please consider the following bills and vote on the motions below. **Return this ballot to Senator Dave Zien, Room 15 South, no later than 12:00pm (Tuesday), October 14, 2003.** Committee members' ballots not received by the deadline will be marked as not voting.

Assembly Bill 458

Relating to: operating a vehicle or operating or going armed with a firearm after using certain controlled substances and providing penalties.

By Representatives Gundrum, Suder, Ziegelbauer, Staskunas, Kerkman, Krusick, Vukmir, Gronemus, LeMahieu, Turner, Ward, Towns, Petrowski, Olsen, Ainsworth, Weber, Nass, Ladwig, Hines, Ott, Gunderson, J. Fitzgerald, Van Roy, M. Lehman, Freese, Friske, Gielow, Rhoades, Vrakas, Pettis, Albers and Krawczyk; cosponsored by Senators Harsdorf, Lazich, Lassa, Roessler, Kanavas, Darling, S. Fitzgerald, Stepp, Leibham, Kedzie, Reynolds and A. Lasee, by request of Bill and Michelle Logemann, parents of Baby Luke.

Please consider the following motion:

- Moved by Senator Fitzgerald, seconded by Senator Stepp that ASSEMBLY BILL 458 be recommended for CONCURRENCE:

Aye ☒ No ☐



OFFICE: P.O. BOX 7882 • STATE CAPITOL • MADISON, WI 53707-7882
PHONE (608) 266 7511 • FAX (608) 267 6794 E-MAIL SEN.ZIEN@LEGIS.STATE.WI.US • Website: WWW.LEGIS.STATE.WI.US
SENATE DISTRICT: 505 S. DEWEY STREET, SUITE 214 • EAU CLAIRE, WI 54702 • PHONE: (715) 834 7723

PRINTED ON RECYCLED PAPER



Senate Bill 214

Relating to: carrying or going armed with a concealed weapon, requiring the exercise of rule-making authority, making appropriations, and providing penalties.

By Senators Zien, Welch, Brown, Panzer, A. Lasee, S. Fitzgerald, Schultz, Stepp, Reynolds, Kanavas, Leibham, Kedzie, Roessler and Breske; cosponsored by Representatives Gunderson, Suder, Pettis, Albers, Bies, J. Fitzgerald, Freese, Grothman, Gundrum, Hahn, Hines, Huebsch, Hundertmark, Jensen, Kerkman, Kestell, Ladwig, F. Lasee, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, Musser, Nass, Nischke, Owens, Petrowski, Schneider, Seratti, Sherman, Stone, Towns, Van Roy, Vrakas, Vukmir and Weber.

- Moved by Senator Zien, seconded by Senator Stepp that LRBs0161/3 be recommended for ADOPTION:

Aye _____ No ☒

- Moved by Senator Stepp, seconded by Senator Fitzgerald that LRBa0896/3 be recommended for ADOPTION:

Aye ☒ No _____

- Moved by Senator Fitzgerald, seconded by Senator Stepp that LRBa0899/3 be recommended for ADOPTION:

Aye ☒ No _____

- Moved by Senator Zien, seconded by Senator Fitzgerald that SENATE BILL 214 be recommended for PASSAGE as amended by LRBs0161/3, LRBa0896/3, and LRB0899/3:

Aye _____ No ☒

Signature

Tim Carpenter
Senator Tim Carpenter



STATE SENATOR DAVE ZIEN

CHAIRPERSON

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

VICE CHAIRPERSON

COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM

MEMBER

COMMITTEE ON SENATE ORGANIZATION

COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS

SENTENCING COMMISSION

COUNCIL ON TOURISM

JUDICIAL COUNCIL

ASSISTANT MAJORITY LEADER**MEMORANDUM**

TO: Senator Gary George, Member, Senate Committee on Judiciary,
Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections
& Privacy

DT: October 13, 2003 (hand delivered 12:00pm)

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Relating to: operating a vehicle or operating or going armed with a firearm after using certain controlled substances and providing penalties.

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Please consider the following motion:

- Moved by Senator Fitzgerald, seconded by Senator Stepp that ASSEMBLY BILL 458 be recommended for CONCURRENCE:

Aye ☒ No ☒

WISCONSIN



1848

OFFICE: P.O. BOX 7882 • STATE CAPITOL • MADISON, WI 53707-7882
PHONE (608) 266 7511 • FAX (608) 267 6794 E-MAIL SEN.ZIEN@LEGIS.STATE.WI.US • Website: WWW.LEGIS.STATE.WI.US
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- Moved by Senator Zien, seconded by Senator Stepp that LRBs0161/3 be recommended for ADOPTION:

Aye ☒ No ☐

- Moved by Senator Stepp, seconded by Senator Fitzgerald that LRBa0896/3 be recommended for ADOPTION:

Aye ☒ No ☐

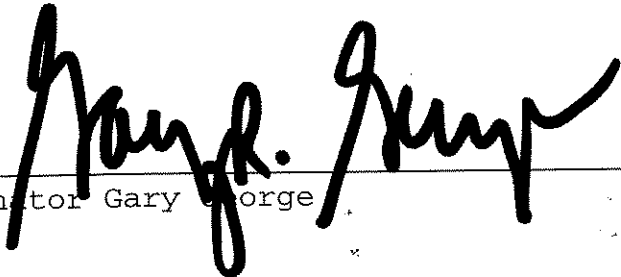
- Moved by Senator Fitzgerald, seconded by Senator Stepp that LRBa0899/3 be recommended for ADOPTION:

Aye ☒ No ☐

- Moved by Senator Zien, seconded by Senator Fitzgerald that SENATE BILL 214 be recommended for PASSAGE as amended by LRBs0161/3, LRBa0896/3, and LRB0899/3:

Aye ☐ No ☒

Signature


Senator Gary George

Vote Record

Committee on Judiciary, Corrections and Privacy

Date: 10/13/03

Moved by: Fitz

Seconded by: Stey

AB _____

SB 214

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

MS Amdt 1000 0899/3

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

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Be recommended for:

☐ Passage

☒ Adoption

☐ Confirmation

☐ Concurrence

☐ Indefinite Postponement

☐ Introduction

☐ Rejection

☐ Tabling

☐ Nonconcurrence

Committee Member

Senator David Zien

Senator Scott Fitzgerald

Senator Cathy Stepp

Senator Gary George

Senator Tim Carpenter

Aye

No

Absent

Not Voting

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Totals: _____

Vote Record

Committee on Judiciary, Corrections and Privacy

Date: 10/13/3

Moved by: Stepp

Seconded by: Fitz

AB _____

SB 214

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

MS Amdt LB 00996/3

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

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Be recommended for:

☐ Passage

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☐ Rejection

☐ Tabling

☐ Nonconcurrence

Committee Member

Senator David Zien

Senator Scott Fitzgerald

Senator Cathy Stepp

Senator Gary George

Senator Tim Carpenter

Aye

No

Absent

Not Voting

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Totals: _____

Vote Record

Committee on Judiciary, Corrections and Privacy

Date: 10/13/03

Moved by: Zien

Seconded by: Stepp

AB _____ SB 214 Clearinghouse Rule _____

AJR _____ SJR _____ Appointment _____

AR _____ SR _____ Other _____

AS Amdt LR 50161/3 (Substitute amd.)

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

☐ Passage

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☐ Rejection

☐ Tabling

☐ Nonconcurrence

Committee Member

Senator David Zien

Senator Scott Fitzgerald

Senator Cathy Stepp

Senator Gary George

Senator Tim Carpenter

Aye No Absent Not Voting

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Totals: _____

Vote Record

Committee on Judiciary, Corrections and Privacy

Date: 10/13/03

Moved by: Z.F.

Seconded by: F. 72

AB _____

SB 214

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for: as amended

☒ Passage

☐ Adoption

☐ Confirmation

☐ Concurrence

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☐ Nonconcurrence

Committee Member

Senator David Zien

Senator Scott Fitzgerald

Senator Cathy Stepp

Senator Gary George

Senator Tim Carpenter

Aye

No

Absent

Not Voting

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Totals: _____